

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

At this time, applicant would like to thank Examiner Flood for her time and consideration in discussing the present application with the undersigned on July 21, 2005. In the interest of advancing prosecution, the undersigned indicated that he would further characterize the claimed composition and method (see claim 6) in the next response. As claim 6 was already pending in the application, it was agreed that further characterizing claim 6 would not constitute a new invention and would be appropriate for examination after the filing of a Request for Continued Examination.

Claims 1-4, 6, and 11-20 are pending in the present application. Claims 1 and 10 have been amended. Support for claim 1 may be found in original claim 5. Claim 10 has been amended to address a formal matter raised in the outstanding Official Action. New claims 11-20 have been added. Support for new claims 11-20 may be found in original claims 1-10 and in the present specification at page 8, lines 5-10. Claims 5 and 7-9 have been cancelled.

In the outstanding Official Action, claim 6 was rejected under 35 USC §101 for allegedly reciting non-statutory subject matter. However, claim 6 recites a method of treating a

patient. As a result, applicant believes that the claim is directed to statutory subject matter. Moreover, applicant notes that the claim has been amended to recite a method for treating dentinal hypersensitivity in a patient, comprising administering an effective amount of an active ingredient to said patient, wherein said active ingredient comprises an extract having at least one compound selected from the group consisting of *Rheum* genus and *Spinacia oleracea L.* compounds.

Claims 2-4 and 6-10 were rejected under 35 USC §112, second paragraph, for allegedly being indefinite. Applicant believes the present amendment obviates this rejection.

Claims 2-4 were rejected for reciting the phrase "the plant compounds". However, the claims have been amended so that this phrase no longer appears in the claims.

Claim 6 was rejected for allegedly being an incomplete claim. However, claim 6 has been amended to further characterize the method. As a result, applicant believes that claim 6 is definite to one skilled in the art.

Claim 10 was allegedly indefinite for reciting the phrase "wherein said compounds are obtained by hydroalcoholic extraction". While the phrase has not been amended in claim 10, applicant notes that the claim has been amended to recite a composition comprising an extract of *Rheum* genus and *Spinacia oleracea L.* compounds. As a result, applicant believes that it

is definite to one of ordinary skill in the art that the claimed composition comprises an extract of the claimed compounds.

Thus, in view of the above, applicant believes that claim 10 is definite to one of ordinary skill in the art.

As a result, applicant respectfully requests that the rejection under 35 USC §112, second paragraph, be withdrawn.

Claim 1 was rejected under 35 USC §102(b) as allegedly being anticipated by PAN et al., SONG, and GORTNER et al. Applicant believes that the present amendment obviates this rejection.

As noted above, claim 1 has been amended to incorporate the recitations of claim 5. As a result, applicant believes that this rejection has been obviated.

In view of the present amendment and foregoing remarks, therefore, applicant believes that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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